

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

EMERSON ELDER,

Plaintiff,

v.

NEW JERSEY TRANSIT,

Defendant.

Civ. No. 01-4415 (KM) (MCA)

OPINION AND ORDER

MCNULTY, District Judge

This matter having come before the Court on Plaintiff's request for entry of default pursuant to Fed. R. Civ. P. 55(a) [ECF No. 51]; and it

APPEARING that Plaintiff's original Complaint was filed nearly twelve (12) years ago on September 18, 2001 and Defendant filed an Answer to the same; and it further

APPEARING that Plaintiff's Amended Complaint was dismissed with prejudice in its entirety [ECF No. 27]; and it further

APPEARING that the order of the District Court was affirmed by the Third Circuit Court of Appeals [ECF No. 33]; and it further

APPEARING that Plaintiff's claim that the entry of default is warranted due to Defendant's failure to plead and/or otherwise defend is wholly inaccurate; therefore

IT IS this 25th day of July 2013,

ORDERED that Plaintiff's request for entry of default pursuant to Fed. R. Civ. P. 55(a) is **DENIED**.


KEVIN MCNULTY, U.S.D.J.